

**THE MINUTES
FOR THE JUNE 2, 2009
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
MEETING AT 6:00 P.M.**

A regular meeting of the Board of Trustees of the Village of Northport was held in Village Hall beginning at 6:00 PM

Present: Mayor Doll, Trustees, Kehoe, McMullen, Maline and Tobin. Village Attorney James Matthews, Village Clerk Donna Koch, Superintendent Joseph Correia.

ANNOUNCEMENTS: There were no announcements this evening.

PUBLIC HEARING(S)

PLEASE TAKE NOTICE: that a Public Hearing of the Village Board of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 2nd day of June, 2009, to consider the following proposed local law:

**LOCAL LAW No.3 OF 2009
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO AMEND CHAPTER 14 "HISTORIC REVIEW IN THE
CENTRAL BUSINESS A AND B ZONING DISTRICTS"
OF THE CODE OF THE VILLAGE OF NORTHPORT**

BE IT ENACTED: By the Board of Trustees of the Village of Northport as follows:

Section 1. Legislative Intent

The Board of Trustees finds that preservation of the Village's heritage and character by establishing a policy which will protect, enhance and perpetuate historic sites, structures and buildings in the Central Business A and B zoning districts will enhance the cultural, educational, economic and general welfare of the public, and ensure the harmonious, orderly and efficient growth and development of the Village consistent with its unique heritage and character.

Section 2. Statutory Authority and Supercession

This Local Law is adopted pursuant to New York State Village Law, Municipal Home Rule Law, General Municipal Law, Article 5, § 96-a, General Municipal Law §119-dd and the State Environmental Quality Review Act and its implementing regulations and expressly supersedes inconsistent provisions of the Village Code.

Section 3. Applicability

The provisions of this Local Law shall apply to all lands situated in whole or in part within the boundaries of the Central Business A and B zoning districts as may be amended from time to time by the Board of Trustees of the Incorporated Village of Northport.

Section 4. Amendments

The code of the Incorporated Village of Northport shall be amended as follows:

CHAPTER 14: HISTORIC REVIEW IN THE CENTRAL BUSINESS A AND B ZONING DISTRICTS

§14-13 Sunset Provision

~~The provisions of this chapter shall lapse and cease to be of any force and effect on July 1, 2009 unless the Board of Trustees acts to extend or make permanent these amendments prior to that date.~~

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 6. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

COMMENTS :Several business owners as well as residents in favor and opposed were in the audience tonight: Alan Pearlman representing the Historical Society read a written statement from the Society in favor of the Historic Preservation.

Past Mayor, Pete Panarites stated building owners take pride in their buildings, no one wants to see Northport change. Mr. Panarites suggested that the Board continue the review for another year, and then notify every parcel in the Village. Also a tax incentive would be nice. Gary Blake, Chairman of the Board of Architecture and Historic Review stated the Village needs some kind of control. Leah Fink, a Main Street resident stated as the owner of a house that's over 100 years old it is very hard to insure. A committee should not decide when renovations are needed. What snapshot in time do we want to capture. We need to appreciate the old; we need to have balance and fairness in the legislation. Arlene Handel of Bayview Ave. congratulated the Board on bringing this forward. Ms. Handel stated this Board was elected to make these decisions for us.

Trustee Kehoe, stated for the record that New York State Law prohibits holding referendums on controversial issues. Ms. Handel questioned how many applicants have gone in front of the ARCHIE Board over the last two years and the answer was one with one pending. Jim Matthews explained that the law allows for a hardship. At the direction of the Mayor and the Board is law is extremely liberal. Ann Stevens, of Bayview Ave. stated to the Board that many business owners were not notified of this meeting and are not in favor of this law. Ms. Stevens felt the law was restrictive and complicated. Also the Village was giving too little credit to the homeowner. Sandra Farb of Steers Ave. stated she reads the law to be very loose; it is not restrictive on residents. It won't force people to do things they can't afford to do or don't want to do.

Victor Howard of Ocean Ave. questioned why the Board feels it's necessary to tell someone what they can and can't do with their investment, their building. I don't want to be told what I can and can't do with my house. Trustee Maline explained that he had grown up in Forest Hills Garden where everything was regulated. Today that area is still pristine while just around the corner are fast food chains up and down the block and looks more like Manhattan than a quiet Village. Robert Kissam of Seaview Ave. stated he was in favor of the law. Joan Gereke reported she is the real estate broker for the Skidmore House on Main St. (presently the oldest house in the Village up for sale). She has shown the house 44 times. There is no historic preservation to save this house.

Ms. Gereke stated when she moved to Northport forty years ago she attended a Board meeting where historic preservation was talked about. The only thing different about tonight's meeting is that there are less structures to save. People's homes will not lose value, just the opposite. We still don't have any protection. This is just one more layer of approvals. Northport is a unique Village with many interesting properties. Frank Cavagnaro stated that Village has not changed in many years. Lois O'Hara, applauded the Board for passing this legislation which is long overdue. No one's rights will be taken away. Do it now before it's too late. Every aspect of our life is ruled by something or someone. The rules set here tonight will be no different. Let us become a place where people come to because of its historic integrity we have nothing to lose. Northport has charm and history. No one is going to knock on your door and tell you, you have to do something you don't want to do. Dorothy Walker stated she's grown up in Northport and

has seen so many wonderful things go. Please preserve what is left. Cathy from the Artisan House stated she was against the preservation. Gretchen Haynes stated the Village will gain nothing by postponing the law for another year. Gary Blake, Chairman of the Board of Architectural and Historic review state this law is not about the preservation of the structure not to tell someone they can't change a window or a door. We just want to make sure the structure stays there to try and maintain the street that everyone calls historic Northport. Mayor Doll reported that some members of the ARCHIE Board have been replaced.

Trustee Kehoe stated that he would like to recommend to his fellow Board members to postpone for another year this local law allowing people to talk among themselves. Stating, that the Village will soon be putting forth a historic preservation law for the entire Village, now is not the time to make this law permanent. Mayor Doll stated that if the Board was to do it we would be back here in one year doing the same thing we're doing tonight. Trustee Maline stated the purpose of this legislation is not to create a plan for the entire Village. A master plan would be more restrictive then this plan. This is the least restrictive legislation the Board could come up. Trustee Tobin stated that serial sunset provisions where things are put off year after year has some inherit on fairness. The balance struck two years ago was put to a sunset provision on it. We have had a period of time where we have tested this and we've found it to work well. The ARCHIE Board has worked well with building owners. No one has been dealt a hardship. It's time we move ahead with the law we've tested out and we provide a fair, even and dependable playing field going into the future.

Mimi Kail, stated that this is a replay of what went on in the seventies, we've been through this all before. No one has suffered any hardships. This is only a good first step in preserving the integrity and charter of down town Northport. To put off voting after saying everything that could possibly be said about this would be a terrible disservice to Villagers in general. Phil Marone stated that before this is voted on every effected property owner should have been notified.

On the motion of Trustee Tobin and seconded by trustee Maline the Public Hearing was closed.

On the motion of Trustee Maline and seconded by Trustee Kehoe the Board moved into executive session. 9:15 PM.

On the motion of Trustee McMullen and seconded by Trustee Maline the Board moved out of executive session. 9:45 PM.

PRESENTATIONS: There were no presentations this evening.

PUBLIC PARTICIPATION: There was no Public Participation this evening.

COMMISSIONER REPORTS: In the interest of time there were no commissioner reports.

CHIEF OF POLICE REPORT: In the interest of time there was no Police Chief report.

SUPERINTENDENT REPORT: Several resolutions were added to tonight's agenda at the Superintendents report to the Board.

BOARD APPROVAL OF WARRANT:

Fiscal Year 2009/2010 General Fund bills in the amount of \$ 76,116.85

NEW BUSINESS:

1. Summer schedule for Board meetings. The summer schedule for Board meetings are July 7, at 6:00PM and August 4th at 6:00PM.

OLD BUSINESS: no old business was discussed this evening.

REQUESTS:

1. Request from Maria Maroni to have live music on June 9th 2009 from 6PM ~ 9 PM. The Board approved this request by resolution.
2. Request from Maria Maroni for the use of light music through speakers in the courtyard. The Board approved this request by resolution.

CORRESPONDENCE: There was no correspondence this evening.

RESOLUTIONS:

On the motion of Mayor Doll and seconded by Trustee Maline the following resolution was unanimously approved.

RESOLUTION 2009 – 87 ~ APPROVAL OF THE MAY 19, 2009 MINUTES

WHEREAS: Copies of the minutes of the May 19, 2009, meeting were sent to the Board for approval, therefore,

BE IT RESOLVED that said minutes are approved without reading, at this time.

Trustee Kehoe made the following statement for the record: I think we are making a very serious mistake moving this forward right now. If it was the only historic preservation in play I could see where my colleagues are going but it's no secret that right behind this is going to be further legislation that's going to encompass the whole Village and I ask that you reconsider this in making it permanent. In your zeal in to preserve some buildings, and I am in favor of keeping the buildings but I think your trampling on individual property owners rights.

On the motion of Trustee Maline and seconded by Trustee McMullen the following resolution was put to a roll call vote:

Trustee Maline ~ YES
Trustee McMullen ~ YES

Trustee Kehoe ~ NO
Mayor Doll ~ YES

Trustee Tobin ~ YES

RESOLUTION 2009 - 88 ~ LOCAL LAW No. 3 OF 2009

WHEREAS: a Public Hearing of the Village Board of Trustees was held at the Village Hall, 224 Main Street, Northport, New York at 7:00 o'clock in the evening of the 2nd day of June, 2009, to consider the following proposed local law:

**LOCAL LAW No. 3 OF 2009
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
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On the motion of Trustee Maline and seconded by Trustee Tobin the following resolution was unanimously approved.

RESOLUTION 2009 - 89 ~ SEASONAL EMPLOYMENT

BE IT RESOLVED: that the seasonal applicants recommended by the Village Clerk and Superintendent of Public Works are hereby approved.

Beach Manager:

Matt Bruckenthal+* \$12.50/hr

Dockmaster:

Paul J. Vasallo \$10.00/hr
Danielle Krupka

+ prior employee

*** Village resident**

On the motion of Trustee Kehoe and seconded by Trustee Maline with Trustee Tobin abstaining the following resolution was approved.

RESOLUTION 2009 -90 OUTDOOR MUSIC AT MARONI'S CUSINE

BE IT RESOLVED: Maroni's Cuisine is hereby authorized to have outdoor speakered in music in the courtyard area during regular business hours, during the outdoor dining time period, and

BE IT FURTHER RESOLVED: such authorization can be revoked at any time the Board feels it is warranted and/or if the noise ordinance is abused.

On the motion of Trustee Maline and seconded by Trustee Tobin the following resolution was unanimously approved.

RESOLUTION 2009 -91 OUTDOOR MUSIC AT MARONI'S CUSINE

BE IT RESOLVED: Maroni's Cuisine is hereby authorized to have live music outdoors

in the courtyard June 9th 2009 from 6:00PM to 9:00 PM.

On the motion of Trustee Kehoe and seconded by Trustee Maline the following resolution was unanimously approved.

RESOLUTION 2009 - 92 ~ PAYMENT IN LIEU OF DRAINAGE

BE IT RESOLVED: That the Village hereby accepts a payment of \$1,500.00 in lieu of the installing the required drainage at 11 Stanton Street as per Kenneth Savin's letter dated June 1, 2009, and

BE IT FURTHER RESOLVED: that the funds shall be used to install drainage at some other location to be determined by the Village.

On the motion of Trustee Kehoe and seconded by Trustee Maline the following resolution was unanimously approved.

RESOLUTION 2009 - 93 ~ FENCING FOR STEERS PARK STAGING AREA

BE IT RESOLVED: The Board of Trustees hereby authorizes the expenditure of an amount not to exceed \$6,000. for fencing at the Steers Park staging area.

On the motion of Trustee Kehoe and seconded by Trustee Maline the following resolution was unanimously approved.

RESOLUTION 2009 - 94 ~ FLOW METER

BE IT RESOLVED: The Board of Trustees hereby authorizes the expenditure of an amount not to exceed \$6500. to Wire to Water for the installation of the flow meter device at the Waste Water Treatment Plant.

Trustee Kehoe left the meeting before the following resolution was read. 10:20 PM

On the motion of Trustee McMullen and seconded by Trustee Maline the following resolution was unanimously approved.

RESOLUTION 2009 - 95 ~ STEERS PARK RESTROOM UPGRADE

BE IT RESOLVED: The Board authorizes the expenditure not to exceed \$16,000 for upgrades to the restrooms at Steers Park.

A RESOLUTION FOR AN EXECUTIVE SESSION: if necessary, for personnel and/or litigation matters.

The next regular meeting of the Board of Trustees will be June 16, 2009 at 6:00 PM.

Meeting adjourned: 10:30 PM

Respectfully submitted,

Donna M. Koch,
Village Clerk